

THE HONORABLE ROBERT S. LASNIK



14-CV-00815-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE HERSHEY COMPANY and
HERSHEY CHOCOLATE &
CONFECTIONERY CORPORATION,

Plaintiffs,

v.

CONSCIOUS CARE COOPERATIVE,
NATHAN CHRYSLER and TREK
HOLLNAGEL

Defendants.

Case No. 2:14-cv-00815-RSL

CONSENT ORDER

WHEREAS, Hershey Chocolate & Confectionery Corporation is the owner and The Hershey Company (together with Hershey Chocolate & Confectionery Corporation, "Hershey") is the licensee of various marks associated with the REESE'S® brand for candy and confectionery products, including, without limitation, the marks REESE'S®, REESE'S MILK CHOCOLATE PEANUT BUTTER CUPS®, REESE'S® PEANUT BUTTER CUPS, REESE'S PUFFS®, and a variety of other marks and trade dresses used in connection with such products (together, the "REESE'S Marks"), including, without limitation, the marks set forth in United States Trademark Registrations 925,609; 1,215,096; 2,256,226; 2,491,191; 3,601,728; 3,631,320; 4,148,621; 4,330,229; and 4,432,557 (copies of the registration certificates for the foregoing registrations are attached as Exhibit A-1);

WHEREAS, Hershey Chocolate & Confectionery Corporation is the owner and The
CONSENT ORDER - 1
No. 2:14-cv-00815-RSL

LANE POWELL PC
1420 FIFTH AVENUE, SUITE 4200
P.O. BOX 91302
SEATTLE, WA 98111-9402
206.223.7000 FAX: 206.223.7107

1 Hershey Company is the licensee of the mark MR. GOODBAR® for candy and confectionery
2 products and the trade dress used in connection with such products (together, the "MR.
3 GOODBAR Marks"), including, without limitation, the marks set forth in United States
4 Trademark Registrations 851,555; 1,493,378; 2,135,971; 3,961,918; and 4,128,727 (copies of
5 the registration certificates for the foregoing registrations are attached as Exhibit A-2);

6 **WHEREAS**, Hershey Chocolate & Confectionery Corporation is the owner and/or The
7 Hershey Company is the licensee of a number of other trademarks and trade dresses for candy
8 and confectionery products sold by The Hershey Company in the United States, including
9 without limitation the marks set forth on Exhibit A-3 (together, the "Other Hershey Marks,"
10 and, together with the REESE'S Marks and the MR. GOODBAR Marks, the "Hershey
11 Marks");

12 **WHEREAS**, Hershey has accused defendant Conscious Care Cooperative of
13 advertising, distributing and selling in the United States various candy or confectionery
14 products containing cannabis or tetrahydrocannabinol (the "Accused Products," examples of
15 which are depicted in Exhibit B hereto) using names and/or trade dresses that infringe and
16 dilute the REESE'S Marks and the MR. GOODBAR Marks;

17 **WHEREAS**, on June 3, 2014, Hershey commenced this action alleging claims for, *inter*
18 *alia*, trademark infringement, trademark dilution, false designation of origin and unfair
19 competition, relating to the Accused Products, which Hershey contended infringed and diluted
20 its REESE'S Marks and the MR. GOODBAR Marks;

21 **WHEREAS**, simultaneously with the submission of this Consent Order to the Court,
22 Hershey has filed a First Amended Complaint in this action adding as parties the above-named
23 individual defendants (the "CCC Officers"), each of whom is an officer of Conscious Care
24 Cooperative (collectively, with Conscious Care Cooperative, "CCC");

25 **WHEREAS**, CCC denies the claims asserted against it and denies that its conduct
26 alleged in the Litigation violates Hershey's rights; and

27 **WHEREAS**, Hershey and CCC have agreed to entry of this Consent Order;

CONSENT ORDER - 2
No. 2:14-cv-00815-RSL

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1 **IT IS ORDERED, ADJUDGED AND DECREED THAT:**

2 1. This Court has personal jurisdiction over Hershey and CCC and has subject
3 matter jurisdiction of this action.

4 2. CCC represents that:

5 a. it and its agents, officers, directors, servants and employees, and all other
6 persons and entities acting by or through or in concert with any of the
7 foregoing (together with CCC, the "CCC Persons"), were not involved in
8 the design, manufacture, branding or packaging of the Accused Products,
9 and that CCC was merely a reseller of the Accused Products;

10 b. CCC obtained the Accused Products from Seattle's Finest Edibles, and
11 CCC has, through counsel, provided Hershey with all information in the
12 custody or control of all CCC Persons regarding the identity, location
13 and operations of Seattle's Finest Edibles; and

14 c. The CCC Officers constitute all of the existing officers of Conscious
15 Care Cooperative.

16 3. CCC represents that as of no later than June 17, 2014, all CCC Persons have
17 ended all distribution, advertising, sale and other use anywhere in the world of:

18 a. the Accused Products, and any packaging or other variations thereof;

19 b. any names, marks, package designs or trade dresses that are confusingly
20 similar to, imitative of or an attempted satire of, any Hershey Marks.

21 4. CCC and all other CCC Persons shall refrain in the future from using, in any
22 media and any channels of advertising, distribution or sale anywhere in the world, including
23 without limitation on product labeling, product packaging, print advertising, in-store displays
24 and internet advertising:

25 a. the terms or marks REESE'S PUFF, MR. DANKBAR, REEFER'S,
26 REEFER'S (or REEFER) PEANUT BUTTER CUP, REEFER'S (or
27 REEFER) CUP, and any substantially similar variations thereof;

CONSENT ORDER - 3
No. 2:14-cv-00815-RSL

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- b. the term or mark REEFER or any substantially similar term in any font substantially similar to or imitative of the font in which REESE'S is depicted in U.S. Reg. No. 925,609, 3,631,3204,148,621;
- c. the product packaging and trade dresses shown in Exhibit B and any substantially similar variations thereof;
- d. the REESES'S Marks and any substantially or confusingly similar variations thereof;
- e. the MR. GOODBAR Marks and any substantially or confusingly similar variations thereof;
- f. the Other Hershey Marks and any substantially or confusingly similar variations thereof;
- g. any names, marks, package designs or trade dresses that are confusingly similar to, imitative of or an attempted satire of, any Hershey Marks; and
- h. in connection with any candy, confectionery or other edible products containing peanut butter or characterized by a peanut butter flavor, (i) any design or trade dress, that bears a partially or predominantly orange background or that uses any combination of orange, yellow and brown; or (ii) the mark or term REEFER.

5. CCC represents that as of June 27, 2014, it has removed and deleted from the Internet and all social media and other electronic channels all advertising, posts, messages and similar communications in the custody or control of all CCC Persons, the dissemination of which by CCC would violate Paragraph 4 hereof.

6. Within one week after entry of this Consent Order, CCC shall

- a. provide to Hershey, through counsel, up to two (only to the extent that any samples are available) physical specimens of each product (including packaging) depicted in Exhibit B and each other product, the sale by CCC of which would violate Paragraph 3 hereof; and

CONSENT ORDER - 4
No. 2:14-cv-00815-RSL

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a. destroy all remaining specimens of each product, including without limitation cartons, containers, packaging, wrappers, labels, displays and any other materials, in the custody or control of CCC or any other CCC Persons, the sale by CCC of which would violate Paragraph 4 hereof.

7. CCC and all other CCC Persons shall refrain both now and in the future from registering, applying to register or maintaining the registration, anywhere in the world, of any design, trade dress or trademark, the use of which by CCC is prohibited by Paragraph 4 hereof.

8. Nothing herein shall foreclose Hershey from objecting to future packaging, advertising and marketing materials of CCC or any other CCC Persons that Hershey believes violate its intellectual property or other rights.

9. CCC shall in the future cooperate with Hershey and counsel for Hershey in identifying the source of any products advertised, distributed or sold by CCC or any other CCC Persons that Hershey contends may violate Hershey's rights in connection with any Hershey Marks.

10. CCC represents that neither it nor any other CCC Persons:

- a. have licensed to third parties or assigned to any other person or entity any design, trade dress or trademark described in Paragraph 2 or 3 hereof; or
- b. owns any applications or registrations anywhere in the world for any design, trade dress or trademark described in Paragraph 2 or 3 hereof.

11. CCC hereby acknowledges the validity of Hershey's rights in the Hershey Marks as described herein and as depicted in the Exhibits hereto, and shall not seek to cancel or otherwise challenge the validity or enforceability of Hershey's rights therein or assist any others in doing so.

12. Prior to the submission of this Consent Order, CCC has provided to Hershey, though counsel, a written statement of sales by CCC and of all other CCC Persons of Accused Products. CCC represents that the written statement it has provided to Hershey constitutes a

CONSENT ORDER - 5
No. 2:14-cv-00815-RSL

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1 complete and accurate accounting of all sales by CCC and all other CCC Persons of any
2 Accused Products and any products using substantially similar packaging.

3 13. CCC expressly recognizes and acknowledges that a violation or breach by it of
4 any of the representations, covenants, conditions, agreements, or undertakings in this
5 Agreement will cause Hershey irreparable harm which cannot be adequately calculated or
6 remedied solely in money damages in an action at law, thereby entitling Hershey to seek (in
7 addition to any other remedy to which it may be entitled at law) immediate injunctive relief or
8 other equitable remedies.

9 14. CCC shall comply with the terms of the parties' Settlement Agreement dated as
10 of July 24, 2014.

11 15. In the event that a court of competent jurisdiction finds that CCC has engaged in
12 a breach or violation of this Agreement, Hershey shall be entitled (in addition to any other
13 remedy to which it may be entitled at law) to its reasonable attorneys' fees incurred in
14 enforcing its rights under this Agreement. In addition, in the event that a court of competent
15 jurisdiction finds that CCC has engaged in a breach or violation of Paragraph 2, 3, 4, 5 or 12 of
16 this Consent Order, because the actual damages sustained by Hershey as a result of such breach
17 would be impracticable or extremely difficult to calculate, Hershey shall be entitled (in addition
18 to any other remedy to which it may be entitled at law) to liquidated damages in the amount of
19 \$25,000 per breach (which amount is expressly agreed to represent a fair estimate of the
20 damage that will accrue as a result of each such breach, to the extent such breach is
21 compensable in money, and not a penalty) or such actual damages or profits that Hershey
22 establishes, whichever is greater.


23 16. This Court shall retain continuing jurisdiction over the persons and entities
24 identified in this Consent Order and over the subject matter of plaintiffs' Complaint to ensure
25 compliance and performance with the terms of this Consent Order and to modify the Consent
26 Order as justice so requires.

27 17. The provisions of this Consent Order shall apply worldwide.

CONSENT ORDER - 6
No. 2:14-cv-00815-RSL

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1
2 DATED: Aug. 19, 2014.

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4 
5 Honorable Robert S. Lasnik
6 United States District Court Judge

7 Presented by:

8 LANE POWELL PC

9
10 By: /s/ Brian G. Bodine

11 Brian G. Bodine, WSBA No. 22414
12 bodineb@lanepowell.com

13 /s/ Erin M. Wilson

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21 -and-

22 KAYE SCHOLER LLP

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Attorneys for Plaintiffs The Hershey Company
and Hershey Chocolate & Confectionery Corporation

CONSENT ORDER - 7
No. 2:14-cv-00815-RSL

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Attorneys for Defendants Conscious Care
Cooperative, Nathan Chrysler and Trek Hollnagel

CONSENT ORDER - 8
No. 2:14-cv-00815-RSL

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EXHIBIT A-1 TO CONSENT ORDER

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United States Patent Office

925,609

Registered Dec. 14, 1971

PRINCIPAL REGISTER Trademark

Ser. No. 372,543, filed Oct. 5, 1970



H. B. Reese Candy Co., Inc. (Delaware corporation)
Hershey, Pa. 17033

For: PEANUT BUTTER CUPS, in CLASS 46 (INT.
CL. 30).

First use Dec. 15, 1969; in commerce Dec. 15, 1969.

The terms "Milk Chocolate" and "Peanut Butter Cups"
are disclaimed apart from the mark as shown.

The drawing is lined for the colors orange, brown,
and yellow.

Owner of Reg. Nos. 554,995 and 878,315.

P. P. GRALNICK, Examiner

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 1,215,096

Registered Nov. 2, 1982

TRADEMARK
Principal Register

REESE'S

Hershey Foods Corporation (Delaware corporation)
19 E. Chocolate Ave.
Hershey, Pa. 17033

For: CANDY, in CLASS 30 (U.S. Cl. 46).
First use 1919; in commerce 1919.
Owner of U.S. Reg. Nos. 554,995, 1,141,906 and
others.
Sec. 2(f).

Ser. No. 300,125, filed Mar. 9, 1981.

RICHARD A. STRASER, Primary Examiner

Int. Cl.: 30

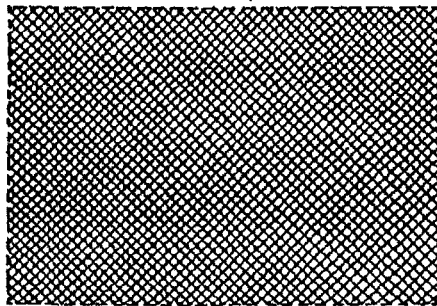
Prior U.S. Cl.: 46

Reg. No. 2,256,226

United States Patent and Trademark Office

Registered June 29, 1999

**TRADEMARK
PRINCIPAL REGISTER**



HOMESTEAD, INC. (DELAWARE CORPORATION)
111 CONTINENTAL DRIVE, SUITE 309
NEWARK, DE 19713

FOR: CANDY AND CONFECTIONERY CHIPS FOR BAKING WITH PEANUT BUTTER AS THE CHARACTERIZING FLAVOR OR AS ONE OF VARIOUS CHARACTERIZING FLAVORS, EXCLUDING CANDY OR CONFECTIONERY CHIPS FOR BAKING WHICH ARE EITHER ORANGE IN COLOR OR ORANGE FLAVORED, IN CLASS 30 (U.S. CL. 46).

FIRST USE 12-15-1969, FIRST USED IN ANOTHER FORM IN 1952; IN COMMERCE 12-15-1969, FIRST USED IN COMMERCE IN ANOTHER FORM IN 1952.

OWNER OF U.S. REG. NOS. 925,609 AND 1,574,070.

THE MARK IS LINED FOR THE COLOR ORANGE.

THE MARK CONSISTS OF AN ORANGE-COLORED BACKGROUND COVERING THE ENTIRETY OF THE PACKAGING FOR THE GOODS. THE ORANGE COLOR IS APPROXIMATELY EQUIVALENT TO PANTONE 165C. THE MARK CONSISTS OF COLOR ALONE. THE BROKEN LINES INDICATE THE POSITION OF THE MARK AND DO NOT FORM PART OF THE MARK.

SEC. 2(F).

SER. NO. 75-143,720, FILED 8-1-1996.

TERESA M. RUPP, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 2,491,191

Registered Sep. 18, 2001

**TRADEMARK
PRINCIPAL REGISTER**

REESE'S PUFFS

HERSHEY CHOCOLATE & CONFECTIONERY
CORPORATION (DELAWARE CORPORATION)
5060 WARD ROAD
INTELLECTUAL PROPERTY DEPARTMENT
WHEAT RIDGE, CO 80033 BY MERGER HOMESTEAD, INC. (DELAWARE CORPORATION)
WHEAT RIDGE, CO 80033

FIRST USE 7-9-2000; IN COMMERCE 7-9-2000.

OWNER OF U.S. REG. NO. 1,928,625.

SN 75-645,051, FILED 2-23-1999.

FOR: BREAKFAST CEREAL, IN CLASS 30 (U.S. CL. 46).

ESTHER BELENKER, EXAMINING ATTORNEY

Int. Cls.: 29 and 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,601,728

Registered Apr. 7, 2009

TRADEMARK
PRINCIPAL REGISTER



HERSHEY CHOCOLATE & CONFECTIONERY
CORPORATION (DELAWARE CORPORATION)
4860 ROBB STREET, SUITE 204
WHEAT RIDGE, CO 80033

OWNER OF U.S. REG. NOS. 1,674,163, 1,922,625
AND OTHERS.

THE COLOR(S) YELLOW AND BROWN IS/ARE
CLAIMED AS A FEATURE OF THE MARK.

FOR: PEANUT BUTTER; PEANUT BUTTER TOP-
PINGS, IN CLASS 29 (U.S. CL. 46).

FIRST USE 12-31-1958; IN COMMERCE 12-31-1958.

THE MARK CONSISTS OF THE WORD "REE-
SE'S" IN YELLOW STYLIZED SCRIPT LETTERS
KEY LINED IN THE COLOR BROWN.

FOR: CANDY; CANDY BARS; CONFECTIONERY
CHIPS FOR BAKING; PEANUT BUTTER CONFECTIONERY
CHIPS, IN CLASS 30 (U.S. CL. 46).

SER. NO. 77-545,117, FILED 8-12-2008.

FIRST USE 12-31-1958; IN COMMERCE 12-31-1958.

NICHOLAS COLEMAN, EXAMINING ATTORNEY

Int. Cl.: 30

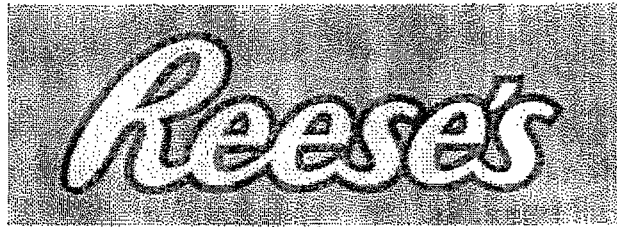
Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,631,320

Registered June 2, 2009

TRADEMARK
PRINCIPAL REGISTER



HERSHEY CHOCOLATE & CONFECTIONERY
CORPORATION (DELAWARE CORPORATION)

4860 ROBB STREET, SUITE 204
WHEAT RIDGE, CO 80033

FOR: CANDY, CONFECTIONERY CHIPS FOR
BAKING, IN CLASS 30 (U.S. CL. 46).

FIRST USE 2-28-2003; IN COMMERCE 2-28-2003.

OWNER OF U.S. REG. NOS. 1,074,163, 3,492,642
AND OTHERS.

THE COLOR(S) YELLOW, BROWN AND OR-
ANGE IS/ARE CLAIMED AS A FEATURE OF THE
MARK.

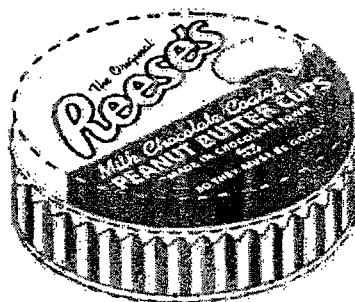
THE MARK CONSISTS OF THE WORD "REE-
SE'S" IN YELLOW STYLIZED SCRIPT LETTERS
KEY LINED IN THE COLOR BROWN ON AN
ORANGE SWIRL DESIGN BACKGROUND.

SER. NO. 77-618,514, FILED 11-20-2003.

REBECCA EISINGER, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 4,148,621

Registered May 29, 2012

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

HERSHEY CHOCOLATE & CONFECTIONERY CORPORATION (DELAWARE CORPORATION)
SUITTE 204
4860 ROBB STREET
WHEAT RIDGE, CO 80033

FOR: CANDY, IN CLASS 30 (U.S. CL. 46).

FIRST USE 4-30-2007; IN COMMERCE 4-30-2007.

OWNER OF U.S. REG. NOS. 1,074,163, 3,603,993 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "THE ORIGINAL, MILK CHOCOLATE COATED, PEANUT BUTTER CUPS, MADE IN CHOCOLATE TOWN, SINCE 1923", APART FROM THE MARK AS SHOWN.

THE STIPPLING IS FOR SHADING PURPOSES ONLY.

THE MARK CONSISTS OF A TIN DESIGN, "REESE'S" IN STYLIZED SCRIPT LETTERS WITH THE WORDS "THE ORIGINAL, MILK CHOCOLATE COATED, PEANUT BUTTER CUPS, MADE IN CHOCOLATE TOWN, SINCE 1923" AND "SO THEY MUST BE GOOD", A STYLIZED DESIGN OF A PARTIALLY EATEN PEANUT BUTTER CUP, AND A DESIGN AROUND THE TIN SIDES COMPRISING A PARTIAL, STYLIZED SIDE OR EDGE OF A PEANUT BUTTER CUP. THE DOTTED LINES SHOWN IN THE MARK IS NOT A FEATURE OF THE MARK BUT IS INTENDED ONLY TO SHOW POSITION OF THE MARK ON THE CONTAINER FOR THE GOODS. THE STIPPLING SHOWN IN THE MARK IS FOR SHADING PURPOSES.

SER. NO. 85-192,733, FILED 12-7-2010.

JENNY PARK, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 4,330,229

Registered May 7, 2013

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

HERSHEY CHOCOLATE & CONFECTIONERY CORPORATION (DELAWARE CORPORATION)
SUITE 204
4860 ROBB STREET
WHEAT RIDGE, CO 80033

FOR: CANDY, IN CLASS 30 (U.S. CL. 46).

FIRST USE 0-0-2008; IN COMMERCE 0-0-2008.

OWNER OF U.S. REG. NOS. 1,074,163, 3,501,728 AND OTHERS.

THE COLOR(S) ORANGE, BROWN, YELLOW AND BEIGE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MILK CHOCOLATE", "2 PEANUT BUTTER CUPS", AND THE DESIGN OF THE CANDY, APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF "REESE'S" IN YELLOW STYLIZED SCRIPT LETTERS OUTLINED IN THE COLOR BROWN ABOVE THE WORDS "2 PEANUT BUTTER CUPS" IN YELLOW LETTERS, A STYLIZED PARTIAL DESIGN LOGO OF AN ELONGATED SIDE OF A PEANUT BUTTER CUP, A PARTIALLY EATEN STYLIZED DESIGN OF A PEANUT BUTTER CUP, AND THE WORDS "MILK CHOCOLATE" ALL ON AN ORANGE BACKGROUND. THE MARK CONSISTS OF THE COLORS ORANGE, BROWN, YELLOW AND BEIGE WITH THE COLOR ORANGE APPEARING AS BACKGROUND FOR THE ENTIRE MARK, THE COLOR BROWN APPEARING IN THE PARTIAL STYLIZED DESIGN OF A PEANUT BUTTER CUP, IN THE ELONGATED SIDE VIEW OF A STYLIZED PEANUT BUTTER CUP, AND IN THE WORDS "MILK CHOCOLATE"; THE COLOR YELLOW APPEARING IN "REESE'S" AND IN THE WORDS "2 PEANUT BUTTER CUPS"; WITH THE COLOR BEIGE APPEARING IN THE DESIGN OF THE PEANUT BUTTER CUP FILLING. THE OUTER DOTTED LINES SHOW PLACEMENT OF THE MARK AND ARE NOT PART OF THE MARK.



Laurie Kaufman
Acting Director of the United States Patent and Trademark Office

SER. NO. 85-459,483, FILED 10-28-2011.

LAURIE KAUFMAN, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

REESE'S PUFFS

Reg. No. 4,432,557

Registered Nov. 12, 2013

Int. Cl. 30

TRADEMARK

PRINCIPAL REGISTER

HERSHEY CHOCOLATE & CONFECTIONERY CORPORATION (DELAWARE CORPORATION)

SUITE 204
4860 ROBB STREET
WHEAT RIDGE, CO 80033

FOR: MUFFIN MIXES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 7-15-2012; IN COMMERCE 7-15-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,074,163, 3,306,035 AND OTHERS.

SER. NO. 85-910,454, FILED 4-22-2013.

MARYNELLE WILSON, EXAMINING ATTORNEY



Lisa M. Smith
Deputy Director of the United States Patent and Trademark Office

EXHIBIT A-2 TO CONSENT ORDER

United States Patent Office

851,555
Registered June 25, 1968

PRINCIPAL REGISTER Trademark

Ser. No. 273,278, filed June 7, 1967

Mr Goodbar

Hershey Foods Corporation (Delaware corporation)
Hershey, Pa. 17033, by change of name from
Hershey Chocolate Corporation (Delaware corporation).
Hershey, Pa. 17033

For: CHOCOLATE BAR, in CLASS 46 (INT. CL.
30).
First use on or about Nov. 20, 1925; in commerce on
or about Nov. 20, 1925.
Owner of Reg. No. 211,531.

D. E. FREED, *Examiner.*

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office **Reg. No. 1,493,378**
Registered June 21, 1988

**TRADEMARK
PRINCIPAL REGISTER**



HERSHEY FOODS CORPORATION (DELA-
WARE CORPORATION)
100 MANSION ROAD EAST
HERSHEY, PA 17033

FOR: CANDY, IN CLASS 30 (U.S. CL. 46).
FIRST USE 11-20-1925; IN COMMERCE
11-20-1925.
OWNER OF U.S. REG. NO. 851,555.

THE MARK IN THE DRAWING IS LINED
FOR THE COLORS RED AND YELLOW
WHICH IS CLAIMED AS A FEATURE OF THE
MARK.

SER. NO. 670,906, FILED 7-8-1987.

LORI BOATRIGHT, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

Reg. No. 2,135,971

United States Patent and Trademark Office

Registered Feb. 10, 1998

**TRADEMARK
PRINCIPAL REGISTER**

MR. GOODBAR

HOMESTEAD, INC. (DELAWARE CORPORATION)
111 CONTINENTAL DRIVE, SUITE 309
NEWARK, DE 19713

OWNER OF U.S. REG. NOS. 851,555 AND
1,493,378.

SER. NO. 75-268,435, FILED 4-2-1997.

FOR: CANDY, IN CLASS 30 (U.S. CL. 46).
FIRST USE 11-20-1925; IN COMMERCE
11-20-1925.

LINDA M. DWYER, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

Mr. Goodbar

Reg. No. 3,961,918

Registered May 17, 2011

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

HERSHEY CHOCOLATE & CONFECTIONERY CORPORATION (DELAWARE CORPORATION)

SUITE 204
4860 ROBB STREET
WHEAT RIDGE, CO 80033

FOR: CANDY, CHOCOLATE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 11-20-1925; IN COMMERCE 11-20-1925.

OWNER OF U.S. REG. NOS. 851,555, 2,135,971 AND OTHERS.

THE COLOR(S) RED AND YELLOW IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE WORDS "MR. GOODBAR" IN RED STYLIZED LETTERS ON A YELLOW BACKGROUND.

SER. NO. 85-167,355, FILED 11-2-2010.

NAPOLEON SHARMA, EXAMINING ATTORNEY

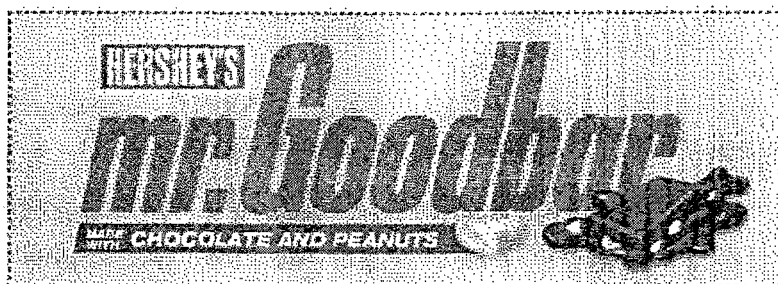


David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office



Reg. No. 4,128,727

Registered Apr. 17, 2012

Int. Cl. 30

TRADEMARK

PRINCIPAL REGISTER

HERSHEY CHOCOLATE & CONFECTIONERY CORPORATION (DELAWARE CORPORATION)

SUITE 204
4860 ROBB STREET
WHEAT RIDGE, CO 80033

FOR: CANDY; CHOCOLATE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 4-30-2007; IN COMMERCE 4-30-2007.

OWNER OF U.S. REG. NOS. 1,493,378, 3,961,918 AND OTHERS.

THE COLOR(S) SILVER, WHITE, RED, YELLOW, TAN, BROWN AND DARK MAROONISH BROWN IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MADE WITH CHOCOLATE AND PEANUTS", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "HERSHEY'S" IN SILVER BLOCK STYLIZED LETTERS ON A DARK-MAROONISH BROWN BACKGROUND FOLLOWED BY THE WORDS "MR. GOODBAR" IN RED STYLIZED LETTERS ON A YELLOW BACKGROUND WITH THE WORDS "MADE WITH CHOCOLATE AND PEANUTS" IN WHITE LETTERS ON A DARK-MAROONISH BROWN BACKGROUND FOLLOWED BY A DEPICTION OF TWO TAN COLORED SHELLLED PEANUTS FOLLOWED BY A RECESSED RECTANGLE HAVING A RAISED BORDER WITH LETTERS SPELLING "HERSHEY'S" ON THE RECESSED BROWN RECTANGLE, SITTING IN A POOL OF LIQUID BROWN CHOCOLATE CONTAINING TAN PIECES OF PEANUTS. THE DOTTED LINES INDICATE THE POSITION OF THE MARK AND ARE NOT PART OF THE MARK.



SER. NO. 85-401,988, FILED 8-19-2011.

MARK E MULLEN, EXAMINING ATTORNEY

David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT A-3 TO CONSENT ORDER

5TH AVENUE
AIR DELIGHT
ALMOND JOY
AWESOME TWOSOME
BAKING MELTS
BITS OF BRICKLE
BLISS
BREATH SAVERS
BROOKSIDE
BUBBLE YUM
CADBURY
CADBURY CRÈME EGG
CARAMELLO
CAREFREE
CHOCOLATE WORLD
DAGOB
DAIRY MILK
FAST BREAK
GOLDEN ALMOND
GOOD & FIERY
GOOD & FRUITY
GOOD & PLENTY
HEATH
HERSHEY'S
HERSHEY'S BLISS
HERSHEY-ETS
HUGS
HUGS & KISSES
ICE BREAKERS
ICE BREAKERS ICE CUBES
ICE CUBES
JOLLY RANCHER
KISSES
KIT KAT
KRACKEL
LANCASTER
LORENA
MALTESER
MAUNA LOA
MILK DUDS
MILKSHAKE
MOUNDS

MR. GOODBAR
NIBS
NUTRAGEOUS
PAYDAY
PELANAZO
PELON
PELON PELO RICO
PELONETA
PELONETES
PICOSITOS
POT OF GOLD
PULL 'N' PEEL
RALLY
REESE'S
REESE'S PIECES
ROLO
ROYAL DARK
SCHARFFEN BERGER
SIMPLE PLEASURES
SKOR
SPECIAL DARK
SYMPHONY
TAKES
TWIZZLERS
WHATCHAMACALLIT
WHOPPERS
YORK
YOUNG & SMYLLIE
ZAGNUT
ZERO

EXHIBIT B

EXHIBIT B TO CONSENT ORDER - Accused Products



Reese's Puff Bar (MD-2)

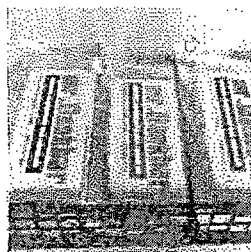


Category

Medibles

Type

N/A



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